



**IN THE MATTER OF:**

**MERCEDES HUERTERO,**

**Complainant,**

and

**AMBASSADOR CAFFE.**

**Respondent.**

**Charge No.: 2003CF1112**

**EEOC No.: 21BA30175**

**ALS No.:** 04-082

## RECOMMENDED ORDER AND DECISION

On March 10, 2004, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Mercedes Huertero. That complaint alleged that Respondent, Ambassador Caffé, sexually harassed Complainant and then discharged her in retaliation for her opposition to that harassment.

The matter now comes on to be heard on Respondent's Motion to Dismiss. Although the motion was served by mail on Complainant, she failed to file any written response or to appear at the hearing on the motion. The matter is ready for decision.

## FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. The initial status hearing in this case was scheduled for May 4, 2004. Complainant did not appear at the scheduled time. Respondent appeared by counsel. A new status hearing was scheduled for July 6, 2004.
2. Complainant did not appear at the July 6, 2004 status hearing. Respondent appeared by counsel and was given leave to file a motion to dismiss.
3. Respondent mailed its motion to dismiss to Complainant on July 8, 2004. The motion was set for hearing on August 3, 2004.

4. Complainant did not file any written response to Respondent's motion. The time for filing such a response has passed.

5. Complainant did not appear at the scheduled hearing on Respondent's motion.

#### CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

#### DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed. Without explanation, she has missed two regular status hearings. In addition, although a motion to dismiss was mailed to her last known address, she failed to file a written response or to appear at the hearing on the motion. Her inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice. See ***Leonard and Solid Matter, Inc.***, \_\_\_ Ill. HRC Rep. \_\_\_, (1989CN3091, August 25, 1992).

#### RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

#### HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: August 4, 2004